



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 25 2008

Ms. Brenda Hudgens-Williams  
Director (210)  
P.O. Box 66538  
Washington, D.C. 20035

SUBJECT: Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (EIS) for Alabama and Mississippi, August 2008. CEQ #20080335

Dear Ms. Williams:

Pursuant to both the Clean Air Act (CAA) § 309 and National Environmental Policy Act (NEPA) § 102 (2)(C), EPA reviewed the final Environmental Impact Statement referenced above in light of EPA's October 30, 2007, comment letter (see enclosed copy) on the August 2007 Alabama and Mississippi RMP and draft EIS. Because EPA did not receive a copy of the final EIS, despite the August 29, 2008, federal register notice of its availability, we made a direct request for one from the Jackson Field Office, which was received on September 19, 2008. This late receipt makes it difficult for EPA to meet its CAA § 309 responsibilities within the Bureau's desired timeframe.

As stated, the proposed RMP's purpose is to prepare a single land-use plan for two states, Alabama and Mississippi, to allow BLM to respond to mineral leasing proposals and efficiently manage its scattered lands for the long-term. The expressed need was to avoid inefficient, costly, and delayed decision making on industry requests to lease Federal minerals and land tenure adjustments which are currently done on a project-specific basis.

EPA's previous comments on the draft EIS focused on two things. The absence of a robust discussion relating to waste-water disposal given that the preferred method of produced-water disposal is its reinjection into a permeable formation with a total dissolved-solids content greater than 10,000 milligrams-per-liter where the aquifer is not hydrologically connected to caves, wetlands, or surface water. And, the absence of an adequate discussion of Alabama and Mississippi underground injection-well control (UIC) programs.

EPA's concerns were based on BLM's reasonably foreseeable development scenarios indicating installation of oil and gas wells of federal lands to number 32 in Alabama and up to 360 in Mississippi during the next 20 years. The cumulative impact of brine waste injection into aquifers beneath federal and in adjacent non-federal lands

over that period could be significant in that by year 2027; the number of new wells on non-federal lands is estimated to be 4,020 in Alabama and 12,010 in Mississippi.

EPA notes that the final EIS, in Chapter 5 acknowledges and expresses agreement with EPA's comments. EPA notes that the EPA-provided information on Alabama and Mississippi UIC programs was added to Appendix D in the final EIS and mentioned briefly in Chapter 4, in the "no action" alternative environmental-impacts discussion for Alabama. EPA also notes that in both the Alabama and Mississippi cumulative impacts discussions, in Chapter 4, the final EIS incorporates EPA's comment that brine waste reinjection into aquifers beneath Federal and non-federal lands over the next 20 years could be significant because by the year 2027, the number of new wells on non-federal lands is estimated to be 4,020 in Alabama and 12,010 in Mississippi. Then dismisses EPA's concern with a generalized statement: "*the minimal number of 20 additional wells would have no long term cumulative impacts from waste brine reinjection. Thus cumulative impacts would not be anticipated.*" However, the EIS does not provide any environmental information to substantiate this statement.

EPA also notes that the final EIS lacks a discussion of the direct and indirect effects of brine-waste injection into ground waters for alternatives numbered 2, 3, and 4 in the Alabama discussion and for all of the alternatives in the Mississippi discussion. The direct and indirect effects are only discussed for the "no action" alternative for Alabama.

Additionally EPA notes in the final EIS, the continued absence of a robust discussion relating to waste-water disposal given that the preferred method of produced-water disposal is to re-inject it into a permeable formation. For example according to the Mississippi Department of Environmental Quality, ground water is an important resource in Mississippi and accounts for about eighty percent of the water used in the state. Additionally according to the Alabama Department of Environmental Management, approximately seventy percent of the public drinking-water supplies use ground water and roughly fifty percent of the population use ground water for drinking-water supplies.

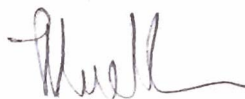
However, there is no discussion of how the proposed RMP will affect the ground-water resources of these two states and their populations relying upon ground water. There is no discussion of the geologic formations where the wastes will be injected and their proximity to potential drinking-water sources. Nor is there a discussion of the potential impacts to a federally-designated sole source aquifer, the Southern Hills Regional Sole Source Aquifer System, which lies in the southwestern portion of Mississippi, see the figure below.

EPA defines a sole source aquifer as an underground water source that supplies at least fifty percent of the drinking water consumed in the area overlying the aquifer. These areas have no alternative drinking-water source(s) that could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. The Sole Source Aquifer Program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974. Designation of an aquifer as a sole source aquifer provides EPA with the

authority to review federal financially assisted projects planned for the area to determine their potential for contaminating the aquifer.

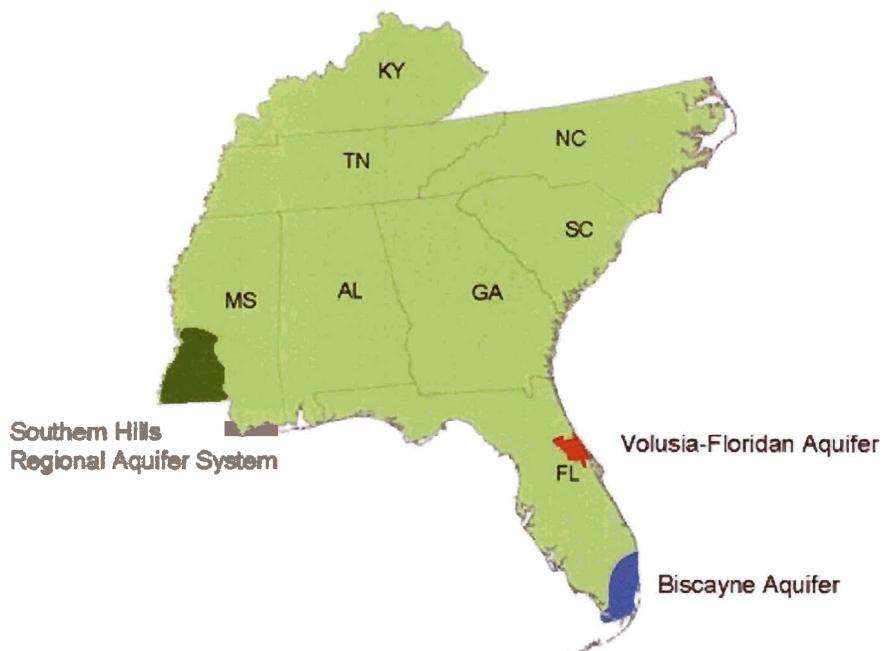
In closing, EPA continues to have environmental concerns with the proposed RMP and finds the EIS insufficiently addresses the impacts of oil and gas brine waste injection into aquifers beneath federal and in adjacent non-federal lands, particularly in regards to the federally designated sole source aquifer mentioned above. Please address these remaining issues in the ROD. If you have any questions regarding these issues, please contact Beth Walls, of my staff, at 404-562-8309 or walls.beth@epa.gov.

Sincerely,



Heinz J. Mueller, Chief  
NEPA Program Office

cc: Gary Taylor, BLM Planning Coordinator  
Enclosure



Additional information can be found at EPA Region 4's web site:  
<http://www.epa.gov/region04/water/groundwater/r4ssa.html#shills>